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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. **2013-186**
STATEMENT OF ISSUES

13 **JENNIFER ANN KREGER**

14
15 Respondent.

16 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity as the
19 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
20 Affairs.

21 2. On or about July 15, 2010, the Board received an Application for Licensure by
22 Endorsement from Jennifer Ann Kreger ("Respondent"). On or about July 13, 2010, Respondent
23 certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied Respondent's application on April 18, 2011.

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1 (c) Be convicted of a criminal offense involving the prescription,
2 consumption, or self-administration of any of the substances described in
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
4 record pertaining to, the substances described in subdivision (a) of this section, in
5 which event the record of the conviction is conclusive evidence thereof.

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7 8. Code section 480 states, in pertinent part:

9 (a) A board may deny a license regulated by this code on the grounds that the
10 applicant has one of the following:

11 (1) Been convicted of a crime. A conviction within the meaning of this section
12 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
13 Any action that a board is permitted to take following the establishment of a
14 conviction may be taken when the time for appeal has elapsed, or the judgment of
15 conviction has been affirmed on appeal, or when an order granting probation is made
16 suspending the imposition of sentence, irrespective of a subsequent order under the
17 provisions of Section 1203.4 of the Penal Code.

18 (3)(A) Done any act that if done by a licentiate of the business or profession in
19 question, would be grounds for suspension or revocation of license.

20 (B) The board may deny a license pursuant to this subdivision only if the crime
21 or act is substantially related to the qualifications, functions, or duties of the business
22 or profession for which application is made.

23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 **(Out-of-State Discipline)**

25 9. Respondent is subject to discipline under Code section 2761(a)(4), in that on or about
26 March 2, 2007, pursuant to Consent Agreement and Order No. 0605052, issued by the Arizona
27 State Board of Nursing, in a proceeding titled, *In the Matter of the Application for Nursing*
28 *Assistant Certificate by Examination: Filed by: Jennifer Ann Kreger, aka: Selenak*, Respondent
was granted a Certified Nursing Assistant Certificate, which was immediately revoked. However,
the revocation was stayed for twenty-four (24) months with terms and conditions. The Consent
Agreement and Order was based on numerous Findings of Fact, including the following: 1) On or
about September 16, 1995, Respondent was arrested for possession of LSD; 2) On or about
May 13, 2002, Respondent was convicted on her plea of guilty in Orange County Superior Court
(California), to driving under the influence of alcohol/drugs, and providing false identification to
a Peace Officer; and 3) On or about April 23, 2004, Respondent was convicted on her plea of
guilty in Riverside County Municipal Court (California) for driving on a suspended/revoked
driver's license (for driving under the influence of alcohol/drugs). The terms and conditions, in

1 part, required Respondent to submit to random drug testing. On or about June 2, 2008,
2 Respondent failed to submit to a random drug screen. As a result, Respondent's Certified
3 Nursing Assistant certificate was revoked on June 11, 2008. The Consent Agreement and Order
4 No. 0605052, is attached hereto as **Exhibit A** and incorporated herein by reference.

5 10. On or about May 23, 2008, Respondent submitted an application to the Arizona
6 Board of Nursing for practical nurse licensure by examination. On or about November 19, 2008,
7 the Arizona Board of Nursing voted to grant Respondent's practical license based on Respondent
8 passing the NCLEX exam, meeting all licensure requirements, and signing a Consent Agreement
9 for a stayed revocation probation for twelve (12) months, with terms and conditions, including
10 participation in AA/NA, drug testing, and abstinence from alcohol and unauthorized drugs.

11 11. On or about November 25, 2008, Respondent entered into Consent Agreement and
12 Order No. 0805127, issued by the Arizona State Board of Nursing, in a proceeding titled, *In the*
13 *Matter of the Application for Practical Nurse Licensure by Examination of Jennifer Ann Kreger*,
14 wherein Respondent's practical nurse license was granted, and immediately revoked. However,
15 the revocation was stayed for twelve (12) months with terms and conditions. Respondent
16 successfully completed probation and was issued a practical nurse license. The Consent
17 Agreement and Order No. 0805127, is attached hereto as **Exhibit B** and incorporated herein by
18 reference.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Conviction of a Crime)**

21 12. Respondent's application is subject to denial under Code sections 2761(f), and
22 480(a)(1), in that on or about May 31, 2006, in the case of *State of Arizona v. Jennifer Ann*
23 *Kreger*, (Muni. Ct. Yavapai County, 2006, Case No. TR-0200600683), Respondent was
24 convicted by the Court on her plea of guilty of violating A.R.S. section 28-1381(A)(1) (driving
25 under the influence of intoxicating liquor), a misdemeanor. The crime is substantially related to
26 the qualifications, functions or duties of a licensed registered nurse.

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1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 **(Committed Acts Which If Done By A Licentiate)**

3 13. Respondent's application is subject to denial under Code section 480(a)(3)(A), in that
4 she committed acts which if done by a licentiate of the profession would constitute grounds for
5 discipline, as more particularly set forth above in paragraph 12. Such conduct would constitute
6 grounds for discipline under Code sections 2761(f) (conviction of a crime substantially related to
7 the qualifications, functions or duties of a license holder). The conduct described in paragraph 12
8 would also constitute grounds for discipline under Code sections 2762(b) (convicted of a crime
9 involving the consumption of alcohol); and 2762(c) (used alcoholic beverages to an extent or in a
10 manner dangerous or injurious to herself and the public).

11 **PRAYER**

12 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Denying the application of Jennifer Ann Kreger for a registered nurse license; and,
15 2. Taking such other and further action as deemed necessary and proper.

16 DATED: September 13, 2012 Louise R. Bailey
17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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